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MAR 08 2013

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

DEREK F. BROWN, L.P.N.
License # 26NP05958200

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

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Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about December 21, 2011, the Board wrote to Respondent by certified and regular mail at his address of record, seeking information about an arrest on December 14, 2011 by the Ocean Township Police Department for simple assault.
3. The Board received a signed receipt confirming delivery of the certified mailing. The regular mailing was not returned. No response was received.

CONCLUSIONS OF LAW

Respondent's failure to respond to a Board inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2 and 1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license and imposing a two hundred dollar (\$200) civil penalty was entered on September 17, 2012. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent timely responded to the Provisional Order of Discipline by providing all the information originally requested in the Board's letter of December 2011.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent provided the information originally requested, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply one year later, warrants imposition of a two hundred dollar (\$200) civil penalty.

ACCORDINGLY, IT IS on this 8th **day of** Mar., 2013

ORDERED that:

1. A two hundred dollar (\$200) civil penalty is hereby imposed upon respondent for the violation of N.J.A.C. 13:45C-1.2 - 1.3. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. The Board reserves the right to take action based upon any facts adduced regarding the underlying allegations that formed the basis for the Board's original inquiry or upon Respondent's criminal history.

NEW JERSEY STATE BOARD OF NURSING
By: Patricia Ann Murphy PLD APN
Patricia Ann Murphy, PhD, APN
Board President